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October 27, 2023

File No. 37986.7346

VIA ECF

The Honorable Lois Bloom
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, New York 11201

Re: *Kauser v. MHF 5th Ave., LLC, et al.*
Case No.: 1:22-cv-05121 (RPK)(LB)

Dear Judge Bloom:

We represent Defendants in the above-referenced matter. We write alongside Plaintiffs' counsel to provide a status report as required by the Court's October 2, 2023 Order and to respectfully request that the deadline to complete fact discovery be extended from November 3 to December 15, 2023. This is the parties' first such request.

The parties have conducted document discovery and served document productions. On October 27, 2023, counsel for the parties met and conferred, and agreed that Defendants would provide: (i) Verified Responses to Plaintiffs' First Set of Interrogatories; and (ii) Responses to Plaintiffs' First Request for the Production of Documents (propounded on September 29, 2023), on or before November 9, 2023. Defendants previously served and received responses to their written discovery requests, but anticipate serving additional post-deposition discovery requests based on Plaintiffs' deposition testimony. In addition, the parties have completed the deposition of Plaintiff Garner and commenced the deposition of Plaintiff Kauser before it was interrupted by his unforeseen scheduling conflict. *See* Dkt. No. 31. The parties have discussed the scheduling of the remaining witnesses, including the completion of Plaintiff Kauser's deposition, the remaining two plaintiffs, and defendants' corporate representatives by December 4. This is the soonest the parties are able to complete depositions based on Plaintiffs' limited availability due to their work schedules and other scheduling obligations for counsel. The extension of time to complete discovery will allow the parties to complete depositions, conduct any post-deposition discovery as needed, and continue to explore potential settlement.

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Accordingly, the parties respectfully request that the parties' time to complete fact discovery be extended to December 15, 2023 and the time to request any pre-motion conferences pursuant to Judge Kovner's Individual Rules be extended from November 17 to January 9, 2024. Other than the deadline to submit any pre-motion conference request, this extension request will not affect any other deadlines.

We thank the Court for its attention to this matter.

Respectfully,

/s/ Adam E. Collyer

Adam E. Collyer of
LEWIS BRISBOIS BISGAARD &
SMITH LLP

cc: **All Counsel of Record**